(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

CRIMINAL MISC. APPLICATION NO. 92 OF 2004.

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. S.N. Sardessai, Public Prosecutor for the State/Applicant.

Mr. S.D. Lotlikar, Senior Advocate with Ms. S. Naik, Advocate for the Respondent.

CORAM : N.A. BRITTO, J.

DATE : 2ND JULY, 2004.

P.C.:

Heard Shri S.N. Sardessai, the learned P.P. and Shri S.D. Lotlikar, the learned Senior Counsel for the respondent/accused.

By an application dated 7.4.2004, the State has prayed for condonation of delay of 2 days in filing the application for leave to appeal.

Shri Lotlikar, the learned senior counsel on behalf of the accused, has no objection for the

said condonation. That apart, Shri Sardessai has placed reliance on the case of **State (Delhi Administration) v. Dharampal** (2001 Cri.L.J. 4748) to support his submission that the State was required to file the appeal within 90 days from the date the Judgment/Order was pronounced.

Shri Sardessai has also relied on the case of **State of Haryana v. Chandra Mani and Others** [(1996) 3 S.C.C. 132] in support of his submission that the State cannot be equated with private individuals when it comes to matters of condonation of delay. In this case the Hon'ble Supreme Court has observed that the delay in filing appeals by the State should be considered with pragmatism in justice-oriented manner and a certain amount of latitude within reasonable limits is permissible having regard to impersonal bureaucratic set-up involving red-tapism. That being the

position, and in view of the concession made, the application is granted and the delay in filing of the same, of two days, is condoned.

N.A. BRITTO, J.

sl.